

said libel, praying the seizure and condemnation of 80 cases of Tennessee blackberries, remaining in the original unbroken cases at Lafayette, Ind., alleging that the article had been shipped by the Frank C. Gibbons Sons Co., Maryville, Tenn., on or about August 18, 1920, and transported from the State of Tennessee into the State of Indiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Tennessee Black Berries Packed by Frank C. Gibbons' Sons Co. Maryville, Tennessee. Net Contents 6 Pounds 8 Ounces."

Adulteration of the article was alleged in the libel, as amended, for the reason that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On December 23, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**10256. Adulteration and misbranding of mustard. U. S. \* \* \* v. 228 Cases \* \* \* of Bayle Quality Old English Mustard, et al. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 14987, 15312, 15313. I. S. Nos. 10597-t, 10946-t, 10947-t, 10948-t. S. Nos. W-979, W-998, W-1003.)

On or about June 21 and August 13, 1921, respectively, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 341 cases of Old English mustard and 85 cases of Old English horseradish mustard, remaining in the original unbroken packages at Salem and Portland, Oreg., respectively, alleging that the articles had been shipped by the Bayle Food Products Co., Luther, Mo., August 2, 1920, and transported from the State of Missouri into the State of Oregon, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part, respectively: (Jars) "\* \* \* Bayle Quality Old English Style Prepared Mustard Bayle Food Products Co., St. Louis. Mustard Seed, Vinegar, Salt and Spices with Turmeric"; and (jars) "6 Oz. Net Bayle Quality Old English Style Horseradish Mustard Bayle Food Products Co., St. Louis, Mo. Horseradish, Mustard Seed, Vinegar, Salt and Spices with Turmeric."

Adulteration of the articles was alleged in substance in the libels for the reason that a certain substance, to wit, mustard hulls, had been mixed and packed with the said articles so as to reduce and lower and injuriously affect their quality and strength; for the further reason that they consisted in part of mustard hulls, an inferior substitute for mustard seed; and for the further reason that they had been mixed and colored in such a manner that their damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the labels bore the above-quoted statements, which were false and misleading and were calculated to deceive and mislead the purchaser in that the said statements represented that the ingredients of the said articles were mustard seed, vinegar, salt, and spices, with turmeric, or horseradish, mustard seed, vinegar, salt, and spices, with turmeric, as the case might be, whereas, in truth and in fact, the said articles did not consist of the above-named ingredients but did contain mustard hulls, and the said horseradish mustard contained no horseradish. Misbranding was alleged for the further reason that the articles were imitations of, and were offered for sale under the distinctive names of, other articles, to wit, "Prepared Mustard" and "Horseradish Mustard," respectively.

On September 21, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**10257. Misbranding of strawberries. U. S. \* \* \* v. Greenfield Fruit Growers Association, a Corporation. Plea of guilty. Fine, \$20 and costs.** (F. & D. No. 15558. I. S. Nos. 4243-t, 4244-t.)

On December 17, 1921, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Greenfield Fruit Growers Association, a corporation, Greenfield, Tenn., alleging shipment by said company, on or about May 7, 1921, in violation of